

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CECIL ALLEN RUSTY CADENHEAD, §
#02399656 §
§

VS. §
§
COLLIN CNTY. DETENTION §
FACILITY, ET AL. §

CIVIL ACTION NO. 4:22cv596

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 1, 2023, the report of the Magistrate Judge (the “Report”) (Dkt. #27) was entered containing proposed findings of fact and recommendations that Defendant Collin County Detention Facility’s Motion to Dismiss (Dkt. #22) and Defendants Sheriff Skinner, Officer Atkins, and Officer Cole’s Motion to Dismiss and Brief (Dkt. #23) be granted. Accordingly, the Magistrate Judge recommended the following: Plaintiff’s claims against the Collin County Detention Facility be dismissed with prejudice because it is a non-jural entity and cannot be sued; Plaintiff’s claims under 42 U.S.C. § 1983 against Defendants Sheriff Skinner, Officer Atkins, and Officer Cole be dismissed with prejudice; Plaintiff not be given leave to amend; and this dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Collin County Detention Facility’s Motion to Dismiss (Dkt. #22) and Defendants Sheriff Skinner, Officer Atkins, and Officer Cole’s Motion to

Dismiss and Brief (Dkt. #23) are **GRANTED**. Plaintiff's claims against Defendants are **DISMISSED WITH PREJUDICE**; this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

SIGNED this 3rd day of August, 2023.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE